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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/010,919	01/23/1998	CHRISTOPHER J. ORDISH	3432.73540	9245

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EXAMINER
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KOPPIKAR, VIVEK D

ART UNIT	PAPER NUMBER
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3686

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12/29/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/010,919	<b>Applicant(s)</b> ORDISH ET AL.	
	<b>Examiner</b> VIVEK D. KOPPIKAR	<b>Art Unit</b> 3686	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Status of the Application***

Claims 43, 45-47, 50-66, 68, 70-72, 75-91, 93-95, 99-101, 103, 104, 106-108, 110-116, and 120-123 have been examined in this application. This communication is a Final Office Action in response to the "Communication" and "Response" filed on November 11, 2008.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 43, 45-47, 50-66, 68, 70-72, 75-91, 93-95, 99-101, 103, 104, 106-108, 110-116 and 120-122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silverman et al., EP0399850 A2 (hereinafter Silverman) in view of Hartheimer et al., Pat. No. 5,305,200 (hereinafter Hartheimer) and Bantz et al., Pat. No. 4,376,982 (hereinafter Bantz)

With respect to claim 43, Silverman discloses a system for exchanging signals relating to at least a bid and an offer (see abstract), the system comprising:

a network (unit 22) connected to workstations, units (26a) and (26b) (Fig. 1) ;

a first workstation (unit 24a) of said workstations, said first workstation sending a first signal to said network signaling a bid in response to an initial offer (i.e. trader decides to enter a bid or

enter an offer in an effort to complete matching a transaction. Key station 24a submits bid transaction to central system 20)(see Fig. 6 and col. 18, lines 35-50); and a second workstation of said workstations, said second workstation receiving a second signal indicative of said bid from said network (Directed Msg. B) and sending an acknowledgment of said received bid to said network (Directed Msg.-Ack B)(i.e. directed message sent to the counterparty workstations and associated directed message acknowledgment) and (see Fig 6 and col. 19, lines 26-32 and lines 48-52) said network sending at least a third signal to said first workstation and at least a fourth signal to said second workstation, said at least third and said at least fourth signals indicating acknowledgment of said acknowledgment from said second workstation (i.e. the system generates directed messages to the counterparties, the associated directed message acknowledgments and the IXM update broadcast message 132 to all keystations 24 including 24a and 24b)(col. 19, lines 26-32 and col. 20, lines 3-11).

Silverman does not explicitly disclose

wherein at least one of said network, said first workstation and said second workstation determines when one of said acknowledgments has not been received during an interval.

However, Hartheimer discloses wherein at least one of said network, said first workstation and said second workstation determines when one of said acknowledgments has not been received during an interval (i.e. requester's workstation does not receive ... message from quoter's workstation within a predetermined time ...)(Fig. 6 and col. 7, lines 29-37). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to

include wherein at least one of said network, said first workstation and said second workstation determines when one of said acknowledgments has not been received during an interval as disclosed by Hartheimer within the Silverman system for the motivation of guaranteeing delivery of digital messages in a network particularly in trading systems (col. 6, lines 41-61).

Silverman and Hartheimer do not explicitly disclose

said second workstation having a confirmation timer for measuring the time elapsed from reception of said second signal or from sending acknowledgement until the second workstation receives the third signal, the third signal comprising a confirmed trade signal .

However, Bantz discloses a confirmation timer at the second workstation for measuring the time elapsed from sending the match acknowledgement from the second workstation to the host until the second workstation receives a confirmed trade data message from the host confirming receipt of the match acknowledgement from the second workstation (col. 1, line 53 – col. 2, line 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said second workstation having a confirmation timer for measuring the time elapsed from reception of said second signal or from sending acknowledgement until the second workstation receives the third signal, the third signal comprising a confirmed transaction signal as disclosed by Bantz within the Silverman and Hartheimer combination for the motivation of not requiring special features in a communications system especially between requestors and responders (col. 1, lines 7-11 and col. 2, lines 3-11).

Silverman, Hartheimer and Bantz do not teach that the workstations communicate which each other using data messages, however, this feature is well known in the art as evidenced by

Puerzer (Figure 2 and Col. 6, Ln. 1-11). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined method/system/device of Silverman, Hartheimer and Bantz with the aforementioned teachings from Puerzer with the motivation of enhancing the speed at which data was accepted and acknowledged, as recited in Puerzer (Col. 4, Ln. 15-27).

With respect to claim 45, Silverman discloses the system according to claim 43, further comprising at least one storage node for recording the completion of a purchase relating to said bid (i.e. order database 114 and 116)(col. 16, lines 25-39).

With respect to claim 46, Silverman discloses the system according to claim 43. Silverman does not explicitly disclose wherein prior to the transmission of said first signal by said first workstation, said second workstation transmits said initial offer to said network.

However, Silverman does disclose a user of a first workstation decides to enter a bid or enter an offer in an effort to complete matching a transaction (col. 6, lines 61-63). Since the system matches the bid or offer of the user of the first workstation with the initial bid or offer of the second workstation, the user of the first workstation could have entered a bid or offer in response to the initial bid or offer of the user of the second workstation. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include wherein prior to the transmission of said first signal by said first workstation, said second workstation transmits said initial offer to said network within the Silverman system since the first workstation submits a bid or response in an effort to complete a matching transaction (col. 8, lines 15-18).

With respect to claim 47, Silverman does not explicitly disclose the system according to claim 46, said network generating and transmitting an acknowledgment of said initial bid to said second workstation.

However, Silverman does disclose the network generating and transmitting an acknowledgment of the first workstation sending a first signal to said network signaling a bid in response to an initial offer (see Fig. 6, CMD-ACK 122). The purpose of the acknowledgment signal is for the network to acknowledge receipt of a transaction signal from the first workstation (col. 8, lines 42-45). Although Silverman does not explicitly disclose a command acknowledgment of the initial transactional signal from the second workstation, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the system according to claim 46, said network generating and transmitting an acknowledgment of said initial bid to said second workstation within Silverman in order to acknowledge receipt of a transactional message from the second workstation (col. 10, lines 27-31).

With respect to claim 50, Silverman and Hartheimer do not explicitly disclose the system according to claim 43, wherein said second workstation further comprises: a storage unit for storing an indication that a purchase relating to said bid was not completed upon the elapsed time measured by said confirmation timer exceeding a predetermined confirmation timeout period.

However, Hartheimer discloses a storage unit for storing an indication that a purchase relating to said bid was not completed upon the elapsed time measured by said confirmation timer exceeding a predetermined confirmation timeout period (i.e. electronic transaction log)(col.

3, lines 42-50 and col. 7, lines 12-65). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a storage unit for storing an indication that a purchase relating to said bid was not completed upon the elapsed time measured by said confirmation timer exceeding a predetermined confirmation timeout period as disclosed by Hartheimer within the Silverman system for the motivation of guaranteeing delivery of digital messages in a network particularly in trading systems (col. 6, lines 41-61).

With respect to claim 51, Silverman does not explicitly disclose a display for displaying a late confirmation was received upon said second workstation receiving said third signal after said predetermined confirmation timeout period has expired for said purchase.

However, Hartheimer discloses a display for displaying a late confirmation was received upon said second workstation receiving said third signal after said predetermined confirmation timeout period has expired for said purchase (i.e. electronic transaction log which can be printed)((col. 3, lines 42-50 and col. 7, lines 12-65). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a display for displaying a late confirmation was received upon said second workstation receiving said third signal after said predetermined confirmation timeout period has expired for said purchase as disclosed by Hartheimer within the Silverman system for the motivation of guaranteeing delivery of digital messages in a network particularly in trading systems (col. 6, lines 41-61).

With respect to claim 52, Silverman discloses the system according to claim 43, wherein said network further comprises:



a computer for matching bids and offers from said workstations in accordance with predetermined matching criteria (i.e. the central system 20 validates the transaction request and attempts to find matches between this new entry and other bids and offers posted in the system book subject to counterparty credit limits)(col. 8, lines 29-37).

With respect to claim 53, Silverman does not explicitly disclose an acknowledgment timer for measuring the time elapsed from reception of said first signal by said network from said first workstation until reception of said acknowledgment by said network from said second workstation; and a storage unit for storing an indication that a purchase was not acknowledged upon the elapsed time measured by said acknowledgment timer exceeding a predetermined acknowledgment timeout period.

However, Hartheimer discloses an acknowledgment timer for measuring the time elapsed from reception of said first signal by said network from said first workstation until reception of said acknowledgment by said network from said second workstation (i.e. requester's workstation does not receive ... message from quoter's workstation within a predetermined time ...)(Fig. 6 and col. 7, lines 29-37). Hartheimer further discloses a storage unit for storing an indication that a purchase was not acknowledged upon the elapsed time measured by said acknowledgment timer exceeding a predetermined acknowledgment timeout period (i.e. electronic transaction log)(col. 3, lines 42-50 and col. 7, lines 12-65) . It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include an acknowledgment timer for measuring the time elapsed from reception of said first signal by said network from said first workstation until reception of said acknowledgment by said network from said second

workstation; and a storage unit for storing an indication that a purchase was not acknowledged upon the elapsed time measured by said acknowledgment timer exceeding a predetermined acknowledgment timeout period as disclosed by Hartheimer within the Silverman system for the motivation of guaranteeing delivery of digital messages in a network particularly in trading systems (col. 6, lines 41-61).

With respect to claim 54, Silverman discloses a method for acknowledging the receipt signals relating to bids and offers in an electronic trading system, said electronic trading system including a network and at least first and second workstations coupled to a network (see abstract and Fig. 6), the method comprising the steps of:

sending an offer from the first workstation to the network in response to an initial bid (i.e. trader decides to enter a bid or enter an offer in an effort to complete matching a transaction. Key station 24a submits bid transaction to central system 20)(see Fig. 6 and col. 18, lines 35-50); receiving the offer from said network at the second workstation (i.e. directed Msg. B 128)(Fig. 6);

sending from the second workstation to said network an acknowledgment of the receipt of the offer (i.e. Directed Msg.-Ack. B)(Fig. 6); and

sending from the network to the first and second workstations an indication that the network acknowledges the acknowledgment from said second workstation (i.e. Broadcast Msg. 132)(Fig. 6).

Silverman does not explicitly disclose

determining when said indication that the network acknowledges the acknowledgment from said second workstation has not been received during an interval.

However, Hartheimer discloses determining when at least one of said acknowledgments has not been received during an interval (i.e. requester's workstation does not receive ... message from quoter's workstation within a predetermined time ...)(Fig. 6 and col. 7, lines 29-37). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include determining when said indication that the network acknowledges the acknowledgment from said second workstation has not been received during an interval as disclosed by Hartheimer within the Silverman system for the motivation of guaranteeing delivery of digital messages in a network particularly in trading systems (col. 6, lines 41-61).

Silverman and Hartheimer do not explicitly disclose receiving from the host an indication that the host acknowledges the acknowledgement from the second workstation.

However, Bantz discloses a confirmation timer at the second workstation for measuring the time elapsed from sending the match acknowledgement from the second workstation to the host until the second workstation receives a confirmed trade data message from the host confirming receipt of the match acknowledgement from the second workstation (col. 1, line 53 – col. 2, line 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said second workstation having a confirmation timer for measuring the time elapsed from reception of said second signal or from sending acknowledgement until the second workstation receives the third signal, the third signal

comprising a confirmed transaction signal as disclosed by Bantz within the Silverman and Hartheimer combination for the motivation of not requiring special features in a communications system especially between requestors and responders (col. 1, lines 7-11 and col. 2, lines 3-11).

Silverman, Hartheimer and Bantz do not teach that the workstations communicate which each other using data messages, however, this feature is well known in the art as evidenced by Puerzer (Figure 2 and Col. 6, Ln. 1-11). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined method/system/device of Silverman, Hartheimer and Bantz with the aforementioned teachings from Puerzer with the motivation of enhancing the speed at which data was accepted and acknowledged, as recited in Puerzer (Col. 4, Ln. 15-27).

With respect to claim 55, Silverman does not explicitly disclose the method according to claim 54, further comprising the steps of:

Silverman does not explicitly disclose receiving an acknowledgment of the initial bid from the network at the second workstation.

However, Silverman does disclose the network generating and transmitting an acknowledgment of the first workstation sending a first signal to said network signaling a bid in response to an initial offer (see Fig. 6, CMD-ACK 122). The purpose of the acknowledgment signal is for the network to acknowledge receipt of a transaction signal from the first workstation (col. 10, lines 27-31). Although Silverman does not explicitly disclose a command acknowledgment of the initial transactional signal from the second workstation, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the

system according to claim 46, said network generating and transmitting an acknowledgment of said initial bid to said second workstation within Silverman in order to acknowledge receipt of a transactional message from the second workstation (col. 10, lines 27-31).

With respect to claim 59, Silverman discloses a computer-readable medium having computer-executable instructions for performing steps (see abstract, Fig. 1 and Fig. 6) comprising:

receiving at a networked processor an offer from a first workstation in response to an initial bid (i.e. trader decides to enter a bid or enter an offer in an effort to complete matching a transaction. Key station 24a submits bid transaction to central system 20)(see Fig. 6 and col. 18, lines 35-50); sending the offer from the networked processor to a second workstation (i.e. directed Msg. B 128)(Fig. 6); and sending from the networked processor to the first and second workstations an indication that the networked processor received the acknowledgment of the transaction (i.e. Broadcast Msg. 132)(Fig. 6).

Silverman does not explicitly disclose

receiving an alarm from one of said workstations notifying said networked processor that said indication that the networked processor received the acknowledgment was not received by one of the workstations during an interval.

However, Hartheimer discloses receiving an alarm from one of said workstations that the acknowledgment was not received by one of the workstations during an interval ((i.e. requester's

workstation does not receive ... message from quoter's workstation within a predetermined time ...)(Fig. 6 and col. 7, lines 29-37). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include receiving an alarm from one of said workstations notifying said networked processor that said indication that the networked processor received the acknowledgment was not received by one of the workstations during an interval as disclosed by Hartheimer within the Silverman system for the motivation of guaranteeing delivery of digital messages in a network particularly in trading systems (col. 6, lines 41-61).

Silverman and Hartheimer do not explicitly disclose receiving at the networked processor from the second workstation an acknowledgment of a transaction based on the offer from the second workstation at the networked processor .

However, Bantz discloses a confirmation timer at the second workstation for measuring the time elapsed from sending the match acknowledgement from the second workstation to the host until the second workstation receives a confirmed trade data message from the host confirming receipt of the match acknowledgement from the second workstation (col. 1, line 53 – col. 2, line 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include said second workstation having a confirmation timer for measuring the time elapsed from reception of said second signal or from sending acknowledgement until the second workstation receives the third signal, the third signal comprising a confirmed transaction signal as disclosed by Bantz within the Silverman and Hartheimer combination for the motivation of not requiring special features in a communications system especially between requestors and responders (col. 1, lines 7-11 and col. 2, lines 3-11).

Silverman, Hartheimer and Bantz do not teach that the workstations communicate which each other using data messages, however, this feature is well known in the art as evidenced by Puerzer (Figure 2 and Col. 6, Ln. 1-11). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined method/system/device of Silverman, Hartheimer and Bantz with the aforementioned teachings from Puerzer with the motivation of enhancing the speed at which data was accepted and acknowledged, as recited in Puerzer (Col. 4, Ln. 15-27).

Silverman, Hartheimer and Bantz do not teach that the workstations communicate which each other using data messages, however, this feature is well known in the art as evidenced by Puerzer (Figure 2 and Col. 6, Ln. 1-11). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined method/system/device of Silverman, Hartheimer and Bantz with the aforementioned teachings from Puerzer with the motivation of enhancing the speed at which data was accepted and acknowledged, as recited in Puerzer (Col. 4, Ln. 15-27).

With respect to claim 60, Silverman does not explicitly disclose the computer-readable medium of claim 59 having further computer-executable instructions for performing the following steps:

receiving at the networked processor the initial bid from the second workstation. However, Silverman does disclose a user of a first workstation decides to enter a bid or enter an offer in an effort to complete matching a transaction (col. 8, lines 15-18). Since the system matches the bid

or offer of the user of the first workstation with the initial bid or offer of the second workstation, the user of the first workstation could have entered a bid or offer in response to the initial bid or offer of the user of the second workstation. It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include receiving at the networked processor the initial bid from the second workstation within the Silverman system since the first workstation submits a bid or response in an effort to complete a matching transaction (col. 8, lines 15-18).

Silverman does not explicitly disclose

sending an acknowledgment of the initial bid from the networked processor to the second workstation.

However, Silverman does disclose the network generating and transmitting an acknowledgment of the first workstation sending a first signal to said network signaling a bid in response to an initial offer (see Fig. 6, CMD-ACK 122). The purpose of the acknowledgment signal is for the network to acknowledge receipt of a transaction signal from the first workstation (col. 10, lines 27-31). Although Silverman does not explicitly disclose a command acknowledgment of the initial transactional signal from the second workstation, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the system according to claim 46, said network generating and transmitting an acknowledgment of said initial bid to said second workstation within Silverman in order to acknowledge receipt of a transactional message from the second workstation (col. 10, lines 27-31).

With respect to claim 62, Silverman discloses a first workstation participating in the exchange of signals, the signals including at least a bid and an offer, the first workstation connected to a



network, said network connected to at least a second workstation (see abstract and Fig. 1), said first workstation comprising:

a receiver unit 24a for receiving an initial offer (i.e. trader can decide whether to enter a bid or enter an offer in an effort to complete matching a transaction) (see Fig. 6 and col. 8, lines 15-25);

a processor unit 20 for processing said initial offer (col. 8, lines 29-37);

an output for outputting a first signal to said network, said first signal signaling a bid in response to said initial offer (i.e. trader decides to enter a bid or enter an offer in an effort to complete matching a transaction. Key station 24a submits bid transaction to central system 20)(see Fig. 6 and col. 18, lines 35-50);

said receiver also receiving a second signal wherein said second signal indicates the acknowledgment of a receipt of said first signal by said second workstation (i.e. Broadcast Msg 132)(Fig. 6).

Silverman does not explicitly disclose

a confirmation timer for measuring time elapsed from said workstation receiving a match notification signal or sending a match acknowledgement signal until said workstation receives a corresponding different trade confirmation signal and an unconfirmed trade signal when said acknowledgment was not received during an interval. However, Hartheimer discloses a confirmation timer for measuring time elapsed from said workstation receiving or sending one of specific signals until said workstation receives a corresponding different one of specific signals and a third signal when said acknowledgment was not received during an interval (i.e. requester's workstation does not receive ... message from quoter's workstation within a

predetermined time ...)(Fig. 6 and col. 7, lines 29-37). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a confirmation timer for measuring time elapsed from said workstation receiving or sending one of specific signals until said workstation receives a corresponding different one of specific signals and a third signal when said acknowledgment was not received during an interval as disclosed by Hartheimer within the Silverman system for the motivation of guaranteeing delivery of digital messages in a network particularly in trading systems (col. 6, lines 41-61). Furthermore, Bantz discloses a confirmation timer for measuring time elapsed from said workstation receiving a match notification signal or sending a match acknowledgement signal until said workstation receives a corresponding different trade confirmation signal. and an unconfirmed trade signal when said acknowledgment was not received during an interval (col. 1, line 53- col. 2, line 2). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include a confirmation timer for measuring time elapsed from said workstation receiving a match notification signal or sending a match acknowledgement signal until said workstation receives a corresponding different trade confirmation signal. and an unconfirmed trade signal when said acknowledgment was not received during an interval as disclosed by Bantz within the Silverman and Hartheimer combination for the motivation of not requiring special features in a communications system especially between requestors and responders (col. 1, lines 7-11 and col. 2, lines 3-11).

Silverman, Hartheimer and Bantz do not teach that the workstations communicate which each other using data messages, however, this feature is well known in the art as evidenced by

Puerzer (Figure 2 and Col. 6, Ln. 1-11). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined method/system/device of Silverman, Hartheimer and Bantz with the aforementioned teachings from Puerzer with the motivation of enhancing the speed at which data was accepted and acknowledged, as recited in Puerzer (Col. 4, Ln. 15-27).

Claims 63-66, 68, 70-72, 75-91, 93-95, 99-101, 103, 104, 106-108, 110-116, and 121-123 are similar in scope to claims 43, 45-47, and 50-62 and are rejected on the same basis.

### ***Response to Arguments***

3. Applicant's arguments regarding the pending claims filed March 8, 2007 have been fully considered but they are not persuasive.

(1) Applicants argue that the Silverman patent reference does not qualify as prior art against the instant claims because it is commonly owned and therefore this reference does not preclude patentability. However, the Office would like to point out that to overcome a reference under 35 U.S.C. 103(a) by showing that the reference is commonly owned by the same inventive entity as the instant patent application either a terminal disclaimer must be filed or an oath or declaration stating that both the patent application and the patent used as a prior art reference are currently owned by the same party and that the inventor named in the application is the prior inventor under 35 U.S.C. 104.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Jerry O'Connor, can be reached at (571) 272-6787. The fax telephone numbers for

this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,  
Vivek Koppikar /VK/  
12/29/2008

/Gerald J. O'Connor/  
Supervisory Patent Examiner  
Group Art Unit 3686